

OFFICE OF THE ATTORNEY GENERAL 95-00137



JEFF SESSIONS
ATTORNEY GENERAL
STATE OF ALABAMA

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ALABAMA STATE HOUSE
11 SOUTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (334) 242-7300

Honorable Patricia Harris
Director
Alabama Public Library Service
6030 Monticello Drive
Montgomery, AL 36130

Public Library Service -
Libraries - Collections

A library may not disclose
the circulation records of
library users to a collection
agency to aid in the recovery
of overdue materials.

Dear Ms. Harris:

This opinion is issued in response to your request for
an opinion from the Attorney General.

QUESTION

May a public library contract with a collection agency to aid in the recovery of overdue materials? The library would disclose to the collection agency the registration and circulation records of users who checked out library materials and who have kept them past the due date. Specifically, would such a process violate Section 41-8-10 of the Code of Alabama 1975?

FACTS AND ANALYSIS

Section 41-8-10 of the Code of Alabama 1975 recognizes the confidential nature of an individual's use of a public library and expressly prohibits the disclosure of these records. The Act states:

"Any other provision of general, special or local law, rule or regulation to the contrary notwithstanding, the registration and circulation records and information concerning the use of the public, public school, college and university libraries of this state shall be confidential. Registration and circulation records shall not be open for inspection by, or otherwise available to any agency or individual"

There are four exceptions to the general prohibition on the disclosure of registration and circulation records. The entities that may inspect these records are: (1) the library which manages the records; (2) the State Education Department; (3) the State Public Library Service; and (4) the parents of a minor child using the library. A collection agency hired by a library to recover overdue materials does not fall within these exceptions.

A public library may, however, disclose to a collection agency the library user's name, address and the dollar value of the materials rather than the circulation records. This procedure would not violate Section 41-8-10 of the Code of Alabama 1975.

CONCLUSION

Section 41-8-10 of the Code of Alabama 1975 prohibits a public library from disclosing to a collection agency circulation records of individuals using the library for the purpose of assisting said library in the recovery of overdue materials. However, the user's name, address and the dollar value of the materials may be disclosed for said purpose.

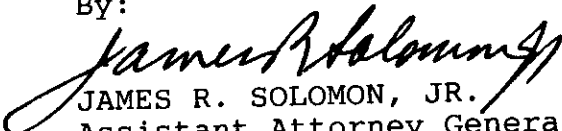
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I hope this sufficiently answers your question. If our office can be of further assistance, please contact Gerrilyn V. Grant of my staff.

Sincerely,

JEFF SESSIONS
Attorney General

By:


JAMES R. SOLOMON, JR.
Assistant Attorney General

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